

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

BORIS GOLDENBERG, ET AL.,)	
)	
)	
PLAINTIFFS,)	HONORABLE JEROME B. SIMANDLE
)	
)	
VS.)	CASE NO. 1:09-cv-05202-JBS-AMD
)	
INDEL, INC., INDIVIDUALLY AND A/K/A)	RETURNABLE DECEMBER 5, 2011
INDUCTOTHERM INDUSTRIES, INC. AND)	
INDUCTOTHERM CORPORATION, ET AL.,)	
)	
DEFENDANTS.)	
)	

**FSC/SUNAMERICA DEFENDANTS’
MOTION FOR PARTIAL SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that on December 5, 2011, Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendants American International Group, Inc., FSC Securities Corporation, SunAmerica Asset Management Corp., SunAmerica Capital Services, Inc., SunAmerica Fund Services, Inc., and Wharton Business Group (collectively referred to as the “FSC/SunAmerica Defendants”), by and through undersigned counsel, respectfully submit this Motion for Partial Summary Judgment (the “Motion”). As set forth in the accompanying Memorandum of Law, the Motion should be granted because the FSC/SunAmerica Defendants have taken sufficient remedial steps to moot Plaintiffs’ claims in Counts III and XI, as well as those portions of Counts V and VI that purport to seek recovery of fees paid to the FSC/SunAmerica Defendants in violation of fiduciary duties imposed by the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §§ 1001, *et seq.* (“ERISA”). Accordingly, the FSC/SunAmerica Defendants respectfully request that the Court grant summary judgment on those counts.

Respectfully submitted this 2nd day of November, 2011.

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/s/ Craig Carpenito

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